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LAW OFFICE OF MITCHELL KHOSROVA

May 18, 2026

VIA EMAIL (ZONING@CHATHAMNEWYORK.GOV)

Chair Daniel Persing
and Zoning Board of Appeals Members
488 State Route 295
Chatham, NY 12037

Re: Edward & Cherie Williams- Fox Hill Estate & Vineyard Request for Rehearing

Dear Chair Persing and Members of the ZBA,

I have been retained by Susan Tanner, the adjacent neighbor in close proximity to the Williams' July 25, 2025 application.

This letter is in response to the letter dated April 13, 2026 submitted by Williams' attorney requesting a rehearing of the March 30, 2026 ZBA Resolution regarding same.

That letter cites a request for rehearing pursuant to Town Law §267-a(12). The law states that "(a) motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board …by any member of the board.

Therefore, a member of the ZBA must make this motion and then, the law continues that "(a) unanimous vote of all members of the board then present is required for such rehearing to occur."

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The attorney letter states in the second paragraph that "the ZBA may grant a rehearing where there are new facts, changed circumstances, or a need to correct an error" and further states, in the third paragraph of the letter that "the primary basis for this request is a material change relating to the incorporation of the property into a County (sic) Agricultural District".

Based on this alone, no rehearing should be granted.

The CEO issued a determination which was the basis of the appeal request by Ms. Tanner. At the time of the CEO determination, the property was NOT in an Ag District. There is no doubt to this fact and it has not changed. Therefore, the request for rehearing must be denied.

Notwithstanding the above, if the ZBA members still want to discuss this request I note that t he letter in the fourth paragraph opines that the ZBA disregarded the fact that the property was used for some farming and, therefore, the ZBA could not find that the "'principal use' is properly characterized s solely residential".

The ZBA Resolution, in the first paragraph specifically refers to 5 years of plantings, crops and harvest on this property and no new facts are implied.

Additionally, the 11th WHEREAS clause discusses that the "existing agriculture use on the property with the vineyard has been established".

Most importantly, Number 2 (on page 6) of the Resolution states that the "property was not located within a NYS Agricultural District and that such has no bearing on the proceedings or determinations." Number 5 states that the "ZBA acknowledges that the property has an agricultural use component due to planting of the vineyard and a lease to a local farmer to hay .. However, this is not the primary use of the property."

Lastly, Number 7 of the Resolution could not be any clearer- "it is clearly not the primary use."

I request that no motion for a rehearing be made and note that the applicant is entitled to submit a new application to the planning board with all related current facts and circumstances.

Respectfully Submitted,

Mitchell Khosrova

MITCHELL KHOSROVA